



## KQED Capitol Report **ARTICLE** MONDAY, APRIL 28, 2008

### **Governor announces compact with tribe for Madera casino**

There's a familiarity to the shotgun marriage of the two tribes, as it shares some similarities with the controversial and ultimately doomed deal of 2005 for side-by-side casinos in Barstow. In that case, two tribes were to be given casinos in a location far away from their ancestral homes, largely to sidestep environmental concerns in developing native lands.

This time, there's also an environmental protection issue (with the Wiyot location). North Fork's reservation is closer to the site in question than was the case in the Barstow deal, though at least one other tribe in the Central valley remains adamant the land in question is in their territory.

The formal gaming compacts are being signed today by Schwarzenegger, but are not yet being submitted to the Legislature. The governor's advisers told reporters on a conference call this morning that until federal officials approve the 305 acre parcel near Madera, the compacts will be in a holding pattern. That, too, seems to be a nod toward the Legislature's rejection of the Barstow deal... where legislators demanded that the feds give their blessing first. The governor's aides also rejected any notion that this new deal sets any kind of precedent, arguing that every Indian gaming negotiation stands or falls on its own merit.

But perhaps the most interesting part of the conference call held by the governor's tribal gaming team came in their defense of the new

casino deal's adherence to Schwarzenegger's 2005 manifesto on acceptable new Indian casinos.

That proclamation says, in part, that Schwarzenegger will not agree to any new casino "where the Indian tribe does not have Indian lands eligible" for a Nevada-style casino.

That would seem to kill deals like this one, right? After all, the North Fork tribe doesn't yet have federal approval for the land near Highway 99.

The answer: the proclamation doesn't say what you might think.

Schwarzenegger's legal affairs secretary, Andrea Hoch, told reporters that because both tribes have other land (i.e., their ancestral homes) that is already eligible for gaming, then their quest for an off-reservation casino is not at odds with the proclamation... even if a common language reading of the document suggests otherwise.

"Both tribes have met that criteria and met that threshold," said Hoch.

The proclamation also stipulates that the "local community" support the project. How to measure that, of course, is the tricky part. Some local officials in Madera County have signed off on the deal, but others in the community have voiced strong objections.

And in today's briefing, there was mention of a telephone poll that reportedly showed the community is in favor.

Is a poll enough proof? During a hearing in the Legislature almost three years ago for the Barstow project, some legislators scoffed at polls... essentially saying that choosing the right sample gets you the result you want. Given their line of work, you can assume they know a thing or two about polling.

One final note: it's hard not to note that legislation to ban just this type of announcement continues to make its way through the state Senate. SB 1695 by Sen. Dean Florez (D-Shafter) would prohibit the governor from striking deals for land not yet approved by the feds for a casino. The governor has taken no formal position on the bill, but this agreement certainly seems to show he'd veto it if it comes to his desk in its current form.

Nonetheless, today's news marks a significant new chapter in Indian gaming in California. Expect fans and critics alike to use it as a rallying cry for other proposed expansions in the coming months.

By John Myers

### **Governor Says Yes To New Indian Casino**

Governor Schwarzenegger has agreed to a new expansion of Indian gaming in California, and for the second time in his tenure he's made a casino deal that seems to set precedent. This time: two tribes from different regions of the state share the profits from a single casino.

The formal casino compacts announced this morning could pave the way for a 2,500 slot machine casino just off Highway 99 in Madera County. The casino would be run by the North Fork Rancheria of Mono Indians. But a portion of the profits would be given to the Wiyot Tribe of Humboldt County, in exchange for Wiyot abandoning any plans for a casino on the north coast. The state would also get a cut of the casino profits on a sliding scale. Schwarzenegger administration officials estimate the early profits would be in the range of \$3-5 million a year for Wiyot, and as much as \$25 million a year for the state.